

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ROBERT A. NITSCH, JR., on Behalf of All
Others Similarly Situated,

Plaintiff,

v.

DREAMWORKS ANIMATION SKG, INC.,
PIXAR; LUCASFILM LTD., LLC; THE WALT
DISNEY COMPANY; DIGITAL DOMAIN 3.0,
INC.; IMAGEMOVERS; IMAGEMOVERS
DIGITAL; SONY PICTURES ANIMATION
and SONY PICTURES IMAGEWORKS;

Defendants.

Case No. 5:14-cv-04062-LHK

**STIPULATED [~~PROPOSED~~] ORDER
GRANTING PLAINTIFFS' MOTION
TO CONSOLIDATE**

GEORGIA CANO, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

PIXAR; DREAMWORKS ANIMATION SKG,
INC.; LUCASFILM LTD.; THE WALT
DISNEY COMPANY; DIGITAL DOMAIN 3.0
INC.; IMAGEMOVERS LLC;
IMAGEMOVERS DIGITAL; SONY
PICTURES ANIMATION INC.; SONY
PICTURES IMAGEWORKS INC.; BLUE SKY
STUDIOS, INC.; and DOES 1 through 100,

Defendants.

Case No. 5:14-cv-04203-LHK

[Caption continued next page]

[PROPOSED] ORDER GRANTING MOTION TO
CONSOLIDATE - No: 14-cv-04062-LHK; ETC.

3385177v1/0145011

DAVID WENTWORTH, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

LUCASFILM LTD. LLC.; PIXAR;
DREAMWORKS ANIMATION SKG, INC.,
THE WALT DISNEY COMPANY; SONY
PICTURES ANIMATION INC.; SONY
PICTURES IMAGEWORKS INC.;
IMAGEMOVERS LLC;
IMAGEMOVERS DIGITAL;
and DIGITAL DOMAIN 3.0 INC.

Defendants.

Case No. 5:14-cv-04422-LHK

WHEREAS, individual and representative Plaintiffs Robert A. Nitsch, Jr., Georgia Cano, and David Wentworth (“Plaintiffs”) have filed complaints (“Complaints”) in the above-captioned actions for alleged violations of the Sherman Act, 15 U.S.C. § 1; the Cartwright Act, Cal. Bus. & Prof. Code §§ 16720, *et seq.*; and California’s Unfair Competition Law, Cal. Bus. & Prof. Code §§ 17200, *et seq.* by Dreamworks Animation SKG, Inc., Pixar, Lucasfilm Ltd., LLC; The Walt Disney Company, Digital Domain 3.0, Inc., ImageMovers, ImageMovers Digital, Sony Pictures Animation, Sony Pictures Imageworks, and Blue Sky Studios, Inc. (“Defendants”);

WHEREAS, Plaintiffs seek to proceed on behalf of a proposed class as will be defined in a consolidated amended complaint;

WHEREAS, Plaintiffs agree to file a master consolidated amended complaint including each of them and superseding the Complaints currently on file;

WHEREAS, consolidation of the Complaints and other like actions will avoid duplication and unnecessary costs, and will promote the efficient conduct of proceedings herein;

NOW, THEREFORE, THE COURT ORDERS:

I. CONSOLIDATION

Each of the above-captioned actions (collectively, the “Consolidated Action”) is hereby consolidated for all purposes pursuant to Federal Rule of Civil Procedure 42(a). Within the later of two days after an order from the Court consolidating the above-captioned actions or November 21, 2014, Plaintiffs shall file the Consolidated Amended Complaint. Defendants shall have no obligation to answer, move, or otherwise plead in response to the previously-filed Complaints.

II. MASTER DOCKET AND MASTER FILE

A Master Docket and a Master File under the civil action number that has been assigned to the first-filed case, *Nitsch v. DreamWorks Animation SKG, Inc.*, Case No. 14-CV-4062-LHK, are hereby established for the Consolidated Action. All docket entries regarding the Consolidated

1 Action shall be docketed under the Master File number 14-CV-4062-LHK. If a document pertains
2 only to one or some of the consolidated cases, it will be docketed on the Master Docket with the
3 notation in the docket text as to the case number(s) to which it pertains.

4 **III. APPLICATION OF THIS ORDER TO SUBSEQUENTLY FILED OR**
5 **TRANSFERRED CASES**

6
7 When a case which relates to the subject matter of the Consolidated Action is hereafter filed
8 in this Court or transferred here from another court, **and only after counsel call to the attention of**
9 **the Court and the Clerk the filing or transfer of any such case that might be properly**
10 **consolidated with this Consolidated Action**, the Clerk of the Court shall make an appropriate entry
11 in the Master Docket. Counsel for Plaintiffs in the Consolidated Action shall promptly mail a copy
12 of this Order to counsel for plaintiff(s) in each subsequently filed or transferred related action and to
13 counsel for any defendant(s) in each such action not already a party to the Consolidated Action.
14 Promptly thereafter, upon notice to counsel for the parties in each such action and this Consolidated
15 Action, counsel for Plaintiffs in the Consolidated Action shall submit to the Court a proposed order
16 consolidating any such action with the Consolidated Action. **Unless a party objects to**
17 **consolidation within ten (10) days after submission of the proposed order, by filing an**
18 **application for relief and this Court deems it appropriate to grant such application**, each new
19 case that arises out of the subject matter of the Consolidated Action which is filed in this Court or
20 transferred to this Court, shall be consolidated with the Consolidated Action and this Order shall
21 apply thereto.
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1 **IV. CAPTION OF CASES**

2 All papers hereafter filed in the Consolidated Action shall bear the following Caption:

3 IN RE ANIMATION WORKERS ANTITRUST
4 LITIGATION

Master Docket No. 14-CV-4062-LHK

5 THIS DOCUMENT RELATES TO:
6
7

8 When a pleading or other court paper is intended to apply to all actions to which this Order is
9 applicable, the words “All Actions” shall appear immediately after the words “THIS DOCUMENT
10 RELATES TO:” in the caption set forth above. When a pleading or other court paper is intended to
11 be applicable only to a subset of the Actions, the separate caption and docket number for each
12 individual action to which the pleading is intended to be applicable shall appear immediately after or
13 below the words “THIS DOCUMENT RELATES TO:” in the caption described above. The short
14 form of the case caption ([named plaintiff] v. [first named defendant], *et al.*) for such actions may be
15 used.
16

17 **V. FILING AND DOCKETING**

18 All papers previously filed and served to date in any of the above-referenced actions are
19 hereby deemed part of the record in 14-CV-4062-LHK.
20

21 When a paper is filed and the caption shows that it is to be applicable to “All Actions,” such
22 paper shall be filed in the Master File and the Clerk shall note such filing in the Master Docket.
23 Such papers need not be filed, and docket entries need not be made, in any other case file.

24 When a paper is filed and the caption shows that it is to be applicable to fewer than all of the
25 Consolidated Actions, such paper shall be filed in the Master File, and the clerk shall note such filing
26 in both the Master Docket and the docket of each such action. Thus, the paper should only be filed
27 in the Master File in 14-CV-4062-LHK.
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1 **VI. ECF AND SERVICE OF DOCUMENTS**

2 This case is subject to Electronic Case Filing (“ECF”), pursuant to General Order 45, Section
3 VI, which requires that all documents in such a case be filed electronically. If counsel has not
4 already done so, counsel shall register forthwith as an ECF user and be issued an ECF user ID and
5 password. Forms and instructions can be found on the Court’s website at ecf.cand.uscourts.gov.
6

7 All documents shall be e-filed in the Master File in 14-CV-4062-LHK. Papers that are filed
8 electronically through the Court’s ECF system are deemed served on all parties as of the date of
9 filing. All other service of papers shall be governed by the Rules of Civil Procedure, unless
10 otherwise agreed by the parties.

11 **VII. PRESERVATION OF EVIDENCE**

12 Until the parties agree on a preservation plan or the Court orders otherwise, each party shall
13 take reasonable steps to preserve all documents, data, and tangible things containing information
14 potentially relevant to the subject matter of this litigation.
15

16 **IT IS HEREBY STIPULATED.**

17 DATED: October _29, 2014

COVINGTON & BURLING LLP

18
19 By: /s/ *Emily Johnson Henn*
Emily Johnson Henn

20 *Attorneys for Defendants*
The Walt Disney Company
21 Lucasfilm Ltd. LLC
Pixar
22 ImageMovers, LLC
ImageMovers Digital
23

24 DATED: October _29, 2014

GIBSON, DUNN & CRUTCHER LLP

25 By: /s/ *Rod J. Stone*
Rod J. Stone
26

27 *Attorneys for Defendant*
DreamWorks Animation SKG, Inc.
28

1 DATED: October _29, 2014

ORRICK, HERRINGTON & SUTCLIFFE
LLP

2
3 By: /s/ *Stephen V. Bomse*
Stephen V. Bomse

4 *Attorneys for Defendants*
Sony Pictures Animation Inc.
5 Sony Pictures Imageworks Inc.

6 DATED: October 29, 2014

DRINKER BIDDLE & REATH LLP

7
8 By: /s/ *Sheldon Eisenberg*
Sheldon Eisenberg

9 *Attorneys for Defendant*
10 Digital Domain 3.0, Inc.

11 DATED: October 29, 2014

WILLIAMS & CONNOLLY LLP

12
13 By: /s/ *John E. Schmidlein*
John E. Schmidlein

14 *Attorneys for Defendant*
15 Blue Sky Studios, Inc.

16
17 DATED: October 29, 2014

COHEN MILSTEIN SELLERS & TOLL
18 PLLC

19 By: /s/ *Daniel A. Small*
Daniel A. Small

20 *Attorneys for Plaintiff Robert A. Nitsch*

21 DATED: October 29, 2014

SUSMAN GODFREY LLP

22
23 By: /s/ *Matthew R. Berry*
Matthew R. Berry

24 *Attorneys for Plaintiff Georgia Cano*
25
26
27
28

1 DATED: October 29, 2014

HAGENS BERMAN SOBOL SHAPIRO LLP

2
3 By: /s/ *Jeff D. Friedman*
Jeff D. Friedman

4 *Attorneys for Plaintiff David Wentworth*

Filer's Attestation

Pursuant to General Order No. 45, § X(B), I attest under penalty of perjury that concurrence in the filing of the document has been obtained from all the signatories.

DATED: October 29, 2014

By: /s/ *Matthew R. Berry*
Matthew R. Berry

1 Defendants have also stipulated to filing joint motions, oppositions, and replies.
2 Should a Defendant wish to file a separate brief, it must seek leave of Court before
3 doing so.

IT IS SO ORDERED.

4 Dated: ____ November 5, 2014 _

Lucy H. Koh

HON. LUCY H. KOH
UNITED STATES DISTRICT JUDGE